

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Jackson Division

MISSISSIPPI ASSOCIATION OF)
EDUCATORS, BARBARA PHILLIPS,)
JAMES THOMAS, DAWN ZIMMERER,) Civil No. 3:25-cv-00417-HTW-LGI
L.E. JIBOL, UNITED CAMPUS WORKERS)
SOUTHEAST LOCAL 3821, MADISYN)
DONLEY, ALEXIS COBBS, KAREN)
ADERER, FOSTERING LGBTQ+)
ADVOCACY, RESOURCES,)
ENVIRONMENTS AND WOMEN IN)
SCIENCE AND ENGINEERING,)
)

Plaintiffs,

v.

BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING,
MISSISSIPPI COMMUNITY COLLEGE
BOARD, MISSISSIPPI STATE BOARD OF
EDUCATION, MISSISSIPPI CHARTER
SCHOOL AUTHORIZER BOARD,

Defendants.

**DECLARATION OF FOSTERING LGBTQ+ ADVOCACY, RESOURCES,
ENVIRONMENTS**

Pursuant to 28 U.S.C. § 1746, Fostering LGBTQ+ Advocacy, Resources, Environments (FLARE)
makes the following declaration under penalty of perjury:

1. FLARE is student group at Mississippi State University in Starkville, MS. It has over 150 members. It serves as a student support, affinity, and community outreach group. FLARE's mission is to create a culture of diversity, inclusion, and equity for the LGBTQ+ community and other marginalized communities through programs and events.
2. FLARE is at risk of losing school funding because Defendants or other school officials may conclude that FLARE's funding violates the act or that the organization has violated or will violate the act. Mississippi State University recently reorganized FLARE's structure in light

of school officials' belief about the requirements of the law. Citing HB 1193, administrators told FLARE members that the organization was being moved from the Holmes Cultural Diversity Center (recently renamed the Holmes Center for Student Success) to the Center for Student Activities. They were told they could not receive state funds, which is part of why FLARE was being restructured, and therefore its funding stream would change from appropriations to Student Activities. FLARE is no longer sponsored by the Holmes Center.


3. Any additional loss of student group funding will be the result of the viewpoint and content of FLARE's members' speech at their meetings and their advocacy. Meanwhile, other MSU student groups with different viewpoints and content will be allowed to maintain their funding and sponsorship status.
4. FLARE has in the past held, and intends to continue to hold in the future if permitted, educational events and social gatherings on campus directed at LGBTQ+ students and allies of the LGBTQ+ community. The goal of its educational events includes increasing awareness of issues related to gender identity, gender, and sexual orientation. The social events are held to foster community with and support for the LGBTQ+ people.
5. The law, including Sections 3(b), 3(f), and 3(i), does or may prohibit FLARE's activities, their ability to use state funds for its programming, and even the very existence of the group.
6. In the 2025-2026 academic year FLARE may change the nature of the activities it conducts and its speech around those activities in light of school officials' beliefs about the requirements of the law.
7. Many provisions of the act are vague, confusing, and inconsistent, and make it difficult for FLARE and its members to differentiate what is prohibited from what is allowed. FLARE members cannot predict the application of the law to student groups and their events because of the lack of clarity in Section 5(c) which states that "[a]n activity of a registered student organization, guest speaker or performer at an institution, college or public school *as long as*

state funds are not used” in Section 5(c). This ambiguity leaves FLARE unclear on what it can and cannot do.

8. FLARE and its members are threatened with the prospect of penalties and harmful consequences. Many FLARE members are uncertain as to which of their actions will violate the provisions of the act and are concerned that the actions they take as students will later be held against them and that they will be disciplined for saying and doing things that are protected as part of their right to free speech.
9. FLARE will self-censor and refrain from saying certain things that it otherwise would say and/or will subject its members to discipline for things they say that are protected by their rights to free speech.
10. All of this harms FLARE and its members. It discourages and chills their speech, and it prevents them from hearing certain prohibited speech, in a way that prevents them from exercising their rights under the First and Fourteenth Amendments.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed: June 17, 2025


Fostering LGBTQ+ Advocacy,
Resources, Environments (FLARE)
Ryan Langley
President